REMARKS

Previously, claims 1-16 were pending. After applicant has reviewed the office action from the examiner, the claims have been amended. In this office action, claims 1, 2, 6, 10, 11, and 15 are amended, claims 3-5, 7, 8, 12, 13, and 16 are cancelled, and claims 9 and 14 remain the same.

In this non-final office action, the examiner has noted a drawing objection and a claim rejection for insufficient disclosure of the dowels extending partially through a jaw. Applicant has hereby cancelled claims 7 and 12 referring to that feature.

Second, the examiner rejected claims 10-14 for indefiniteness regarding lateral and longitudinal axes. Claim 10 is amended to clarify the relationship of the lateral and longitudinal axes. The present invention includes a half channel across the width of the mating surface and parallel to the lateral axis.

Third, the examiner noted the term typically, in claim 15. Claim 15 is amended to remove that term.

Fourth, the patent to Bowman, No. 1,399,101 shows a two jaw tool for splicing cables and attached to a machine. The upper jaw has two holes and a channel that cooperate with two dowels and a channel in the lower jaw. The lower jaw has a ear for attachment to a machine. Both jaws are connected by a chain to prevent loss. The jaws cooperate to compress a sheath upon cable spliced together. Applicant asserts that the '101 patent is non-analogous art to the present invention used for model car axles. However, claim 1 is amended to emphasize the diagonal locations of the dowels and respective holes, and the preamble now refers to model car usage.

In the present invention, the half channel has a diameter less than one tenth the thickness of the jaw. In contrast the '101 patent shows a channel with a diameter of nearly 75% the thickness of a jaw. The shallower half channel of the present invention provides for a thicker jaw. The jaws of the present invention can be gripped easily by a child to position the invention and the thickness of the jaw and shallow half channel increase the durability of the jaws during repeated hammering, as in use.

Fifth, the patent to Zepp et al., No. 3,866,459 teaches of a die secured to a press. Initially, the die has a friction engagement by a clamp upon the ram upon application of two bolts 12. However, the die may rotate and the '459 patent provides a threaded screw 23 that engages the die and the head of the screw engages the clamp in a T shaped slot. The '459 patent teaches an auxiliary connection of a top die shoe to a clamp cap and a thread connection of the die to the clamp. In contrast, the present invention does not use threaded connections and does not have a T shaped slot for the head of a screw. Further, applicant asserts the '459 patent is non-analogous art of die in a heavy ram press in contrast to a straightening jig powered by a hand held hammer.

Sixth, the patent to St. Mars, No. 1,051,777 teaches of a tube swage. The swage tapers the perimeter of the end of a tube. The '777 patent teaches of an end plate upon one jaw to stop the tube, half channels of tapering diameter, and spring loading of dowels. In contrast, the present invention lacks an end plate on either jaw, lacks springs on dowels, and has half channels of constant diameter.

Seventh, the patent to Dowling, No. 2,793,859, teaches of a press and method to form baseball bats using resin. The '859 press has elliptical channels to impart the classic shape of a bat into a cylindrical blank. Applicant asserts that the '859 patent is not analogous art and far removed from model cars and their axles.

Eighth, the combination of the '101 patent and the patent to Faull, No. 3,234,838, teaches of tube piercing dies in carriers. Each die has an insert for accepting a tube and a groove for accepting an insert. Each die also has a dowel and a hole upon the longitudinal axis and the dowel of one die fits into the hole of the other die. The dies also have a center hole through which the piercer advances. In contrast, the present invention does not have a center hole and lacks an insert to receive an axle. The half channel of the present invention has a certain diameter unlike the insert of the '838 patent that permits various diameters. Further, the jaws of the present invention straighten axles but do not pierce the axles. Applicant asserts that the '838 patent is not analogous art to model cars.

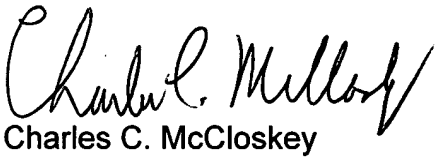
Ninth, the combination of the patents to Honeycutt, No. 4,116,037 and to Bowling, No. 6,234,000 teach a device of two jaws in a method to straighten bent tubes. The '037 patent teaches two jaws with grooves of a certain diameter and closed by lever action. The grooves encase a dented part of a tube for straightening. The '000 patent teaches a method to straighten a deformed cylinder or metal bat. The method compresses the bat to less than the original diameter and then lets the bat rebound to the desired diameter and shape. The method teaches compressing only the damaged area, see claim 5, and later compressing along the longitudinal extent of the bat with successive clamping, see claim 6. In contrast, the present invention compresses the entire length of a model car axle within two jaws closed by a hand held hammer. Being short in length, model car axles deflect nearly their full length. The present invention accepts the full length of a model car axle for straightening at one time unlike the '000 and '037 patents.

Thus, obviousness cannot be established by combining teachings of the prior art to produce the claimed invention, absent some teaching, suggestion, or incentive supporting that combination. See the cases of *Ex parte Beuther*, 71

USPQ2 1313, (Bd. Pat. App. & Int. 2003) and *In re Geiger*, 815 F2d. 686 (Fed. Cir. 1987).

All of the claims now active in this application are believed to be in condition for examination. Favorable action by the examiner is respectfully requested.

Respectfully Submitted,



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